

MINUTES OF PLANNING AND ZONING COMMISSION

7:00pm, Wednesday, November 19, 2003

Present were Richard Grant, Chair, Marsha Jones, Doug Hill, Tim Healy, Roger Shanks, Eva Spear, Dennis Erstad, and Frank Olah. Also present was Tim McCumber, Zoning Administrator; Judy Ashford, Town Clerk; Mike Slavney, Town Planner; and Dana Jensen of VandeWalle & Associates.

Grant called the meeting to order. The chair asked if the meeting was properly noticed, which it had been. The minutes of October 15, 2003 were considered. Motion to approve by Shanks, seconded by Hill. Motion approved.

The first order of business before the commission was to discuss and consider a pre-concept development plan presented by Dave Mitchell on a 10-acre parcel located at tax parcel #0035-00000 (S7737 Allbrite Rd). Mitchell presented two plans for the parcel, which showed 10 to 13 lots. The plan with less lots showed a larger area for water runoff and retention. 7 of the 10 acres is currently being farmed, however, the entire property lies in the residential zoning district. Mitchell wanted to know if there was a plan the commission preferred. Grant acknowledged that the commission would not weigh in on either option at this time. Grant informed Mitchell that if he chooses to proceed, that he would like to see the plan brought in as a Planned Area Development (PAD). This would give the Town more input into the development of this property.

The second item before the commission was a presentation by Mike Slavney and Dana Jensen of VandeWalle and Associates regarding the plan for the Smart Growth Comprehensive Planning process. Grant introduced Slavney and Jensen and notified the commission that Ashford would serve as the liaison between VandeWalle and the commission. Slavney informed the members that the state requires that all municipalities be required to complete a comprehensive plan by 2010 that includes 9 elements of planning. Slavney is being contracted by Sauk County as part of the grant received for this planning process of which the Town of Merrimac decided to participate. This means that the cost to the Town is fixed. A schedule of activities presented to the commission shows a timeline of approximately 18 months. VandeWalle & Associates will do all of the prep work with Sauk County to include inventories of properties, maps, census data, population projections, and gather adjacent community plans. A big part of the planning process is community participation that will include a community survey to be mailed with the tax bills and a community vision workshop in which citizens can provide their input to the process. The process will also include public hearings as required. The law also requires review of our plans by other jurisdictions providing a 30-day response window. The plan commission should approve a resolution presented by Slavney establishing public participation procedures for the comprehensive plan. Slavney reinforced that Slavney & Associates will absorb any cost overruns in the process. Grant inquired as to the input from other municipalities. Slavney clarified that the statute requires such input, however, it has been his experience after participating in over 30 comprehensive plans that most often the other communities do not provide such input. When input is received, it usually is to point out possible zoning conflicts along adjoining borders. These communities do not have any veto authority. Grant wants to make certain that we do not run into the same legal problems the Dane County Regional Planning Commission has run into. Shanks inquired as to the possibility of the legislature throwing out the Smart Growth requirement. Slavney noted that Senator Albers has introduced legislation suggesting amendments to the plan, which do not affect the contents of the plan nor does it propose eliminating Smart Growth. The proposal before the legislature allows more flexibility for smaller jurisdictions and would not impact the Town of Merrimac. Olah asked how this would affect our current plan. Slavney stated that our plan has 5 of the requirements but does not address all of the areas required of Smart Growth, such as housing needs, economic impacts, and transportation. While it is possible the existing

features of our town plan may not change dramatically, it will provide the town with better access to maps and other data that might be important to future decision making. Healy made the motion to recommend approval of the Public Participation resolution to the Town Board. Jones seconded. Motion approved.

Dana Jensen was introduced as Slavney's assistant during the Smart Growth process. She will gather the data and process the work performed by the commission. Jensen said it was her goal to have the community survey completed in time to mail with the tax statements in the first week of December. She said she attempted to keep the survey down to the minimal required questions to achieve successful survey results as to keep down the cost of mailing at the request of Town Clerk Judy Ashford. Jensen felt the questions in the survey would generate the proper responses for successful results for the commission's consideration. Hill wanted to know if it was similar to the last survey we sent out in 1991 or 1992 and Slavney acknowledged it was very similar. Hill thought a comparison of the results of the two surveys would be of interest to the commission. Slavney said that the commission would be able to compare results and even compare results of the "classes" of responses. Erstad wanted to know the typical response rate. Slavney stated about 25-50% normally responds to these surveys but based on our last survey felt our response rate would be better. Judy Ashford questioned the need for a couple of questions. Slavney stated the survey is not a referendum but a tool for gathering public sentiment as it relates to issues in the town and ultimately the plan commission will determine the priorities of the responses. Grant clarified the need for public input however was glad the work of this could be done by the commission as it would be difficult to staff multiple committees as some communities have done. Slavney feels that in his experience that only 1 or 2 other communities have done as well as the Town as it relates to developing a plan and the final implementation of that plan. Slavney added that Jensen will be the staff person working on the details of the plan while he will work with the town on the more substantive matters. McCumber asked about adding a survey question regarding Uniform Dwelling Code (UDC) inspections noting that the town does not currently require such inspections. Slavney thinks it is a quality of development issue that would be in line with the town's development plan, however, a proposal before the state legislature may make UDC inspections mandatory. Slavney noted that smaller communities use private contractors and the applicant bears the cost of such inspections, not the taxpayers. He also noted that the town is the only one he works with that does not require UDC inspections. Grant addressed concerns regarding liability of providing inspections but suggested the questions should be added. Jensen will draft a question relative to this topic. Jensen said the next report from VandeWalle would come at the January meeting. She said the next major event in the process would be to schedule the Community Vision Workshop and that it should occur in April. She will work with Ashford to schedule the workshop. Jensen also noted she has friends who work at Merrimac Elementary and thought they could devise a program to allow for input from the students as an exercise in town government and the planning process. She noted she would like to present the results to the commission and would volunteer to spearhead this project. The commission responded favorably and felt it could be interesting to see how our young citizens feel about the future of the town. Because the commission had approved the Public Participation Survey resolution, no further action was required.

Grant updated the commission on a couple of zoning matters occurring in the town, but not on the agenda. He noted no action would be required of the commission, but wanted them to know the issues he had been working on with McCumber. Grant first noted a property on Sue Kay in which the owner had requested a holding tank on a remodel/addition to an existing home. After agreeing to allow the tank, he discovered the home was going to be replaced. He received a phone call last Monday from a house mover wanting to place the existing structure on a town road. Grant prevented the move and all parties involved are meeting at the Sauk County Planning & Zoning office to seek a resolution to this matter. Grant noted that state statute prohibits holding tanks unless placed in an approved sanitary district for new construction, noting a sanitary district does not exist. McCumber discussed a situation on Dan-Mar Court in which a home had been moved into the town from another jurisdiction via town roads without approval

from the Town Chair as required by state statute. While investigating this matter, Grant and McCumber found that there appeared to be an expansion on the Horseshoe Court property without approval from the Town and McCumber was working with Sauk County on this matter. McCumber noted that a trailer home is a structure and under town ordinance, permits should be required noting the addition of a new trailer on the Horseshoe Court property. The commission members agreed with that interpretation of the ordinance. Grant then noted that the home on Sue Kay was on blocks and the party wanted to move the house to Idlewild where a home was recently destroyed by fire. Grant noted that he would not authorize the use of Idlewild to transport the house due to the size of the load and the fact it would not fit between structures on Idlewild. Jones inquired as to the Town's recourse in some of these matters. Grant noted that it is difficult as these matters have to go to court considering we do not have a police authority, however, we have proceeded with other matters and have been successful at that level of compliance.

McCumber reported that the town has issued 63 building permits totaling a little over \$4.5 million. Of that amount, 16 permits were for new or replacement residential homes valued at \$4 million; 18 remodeling projects totaling \$302,000, 5 accessory structures for \$60,000 and 24 miscellaneous permits for a value of \$114,000. McCumber noted that he had changed the categories of some of the permits after reviewing the permits in the past month noting that he had not categorized some of the permits correctly.

Grant notified the commission that in meetings with the DNR, the BAAP Pump House property would most likely go to the DNR and per a GSA requirement, all structures must come down. They were already working on removing and/or scrapping the structures on the property.

Motion to Adjourn by Hill, seconded by Spear. Motion carried.

Submitted by Tim McCumber, Zoning Administrator, Secretary